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FACSIMILE TRANSMITTAL

TO:

Name: Mail Stop AMENDMENT
Group Art Unit 3733/Examiner James L. Swiger III

Firm: U.S. Patent & Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 10/809,149
Gary K. Michelson

Filed: March 25, 2004

**METHOD FOR USING ARCUATE DYNAMIC
LORDOTIC GUARD WITH MOVABLE
EXTENSIONS FOR CREATING AN
IMPLANTATION SPACE POSTERIORLY IN
THE LUMBAR SPINE**

Attorney Docket No. 101.0093-02000

Customer No. 22882

Confirmation No.: 7390

FROM:

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-2277


No. of Pages (including this): 5

Date: August 7, 2007

Confirmation Copy to Follow: NO

Message:**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Transmittal Form (in duplicate) and Reply to Office Action are being facsimile transmitted to the U.S. Patent and Trademark Office on August 7, 2007.


Sandra L. Blackmon

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FORM PTO-1083

Attorney Docket No.: 101.0093-02000
Customer No. 22882

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary Karlin Michelson

Serial No: 10/809,149

Filed: March 25, 2004

For: METHOD FOR USING ARCUATE
DYNAMIC LORDOTIC GUARD WITH
MOVEABLE EXTENSIONS FOR
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LUMBAR SPINE

Confirmation No.: 7390

Art Unit: 3733

Examiner: James L. Swiger III

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a reply to the Office Action dated July 30, 2007 in the above-identified application.

- ☒ No additional fee is required.
- ☐ Applicant hereby requests a ***-month extension of time to respond to the above office action.
- ☐ The total amount of \$*** to cover the above fees is to be charged to Deposit Account No. 50-3726.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. **A copy of this sheet is enclosed.**
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
MARTIN & FERRARO, LLP

Date: August 7, 2007

By: 
Thomas H. Martin
Registration No. 34,3831557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (330) 877-0700
Facsimile: (330) 877-2030

Transmittal of Reply to Office Action.DOC

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For: METHOD FOR USING ARCUATE)	
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MOVEABLE EXTENSIONS FOR)	
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SPACE POSTERIORLY IN THE)	
LUMBAR SPINE)	

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY TO OFFICE ACTION

In reply to the Office Action of July 30, 2007, the following remarks are submitted:

The Examiner has rejected claims 1-2, 4-13, 15, 17-19, 21-22, 25-30, and 44 (including independent claim 1) under 35 U.S.C. § 102(e) based on U.S. Patent Pub. 2003/0135220 to Cauthen ("Cauthen"). Additionally, the Examiner rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Cauthen in view of US 5,860,973 to Michelson; rejected claim 24 under 35 U.S.C. § 103(a) as being unpatentable over Cauthen in view of U.S. Patent No. 6,190,414 to Young; rejected claims 20, 23, 32-36, 40, 41-43 under 35 U.S.C. § 103(a) as being unpatentable over Cauthen in view of U.S. Patent No. 6,210,412 to Michelson; rejected claim 31 under 35 U.S.C. § 103(a) as being unpatentable over Cauthen in view of U.S. Patent No. 5,876,457 to Picha; rejected claim 38 under 35 U.S.C. § 103(a) as being unpatentable over Cauthen in view of U.S. Publication No. 2003/0023209 Gruskin; and rejected claim 39 under 35 U.S.C. § 103(a) as being unpatentable over Cauthen in view of U.S. Publication No. 2003/0229401 Mansouri. The above-discussed rejections under 35 U.S.C. §§ 102(e) and 103(a) are identical to the rejections included in the Office Action of April 11, 2007.

Reply to OA 8-7-07.doc